IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 30913 of 2004(E)

PETITIONER:

V.M. VARGHESE, VATTAAZHIYIL,
PRAKKANAM P.O., PATHANAMTHITTA.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, LABOUR AND REHABILITATION (G) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, PATHANAMTHITTA.

3. TAHSILDAR (R.R.), PATHANAMTHITTA.

BY GOVERNMENT PLEADER SRI. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 30913/2004 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE DETERMINATION ORDER DT. 7/2/2001 BY THE R1.

EXT.P2. COPY OF THE APPEAL FILED BEFORE THE R1 DT. 20/2/2001.

EXT.P3. COPY OF THE LETTER NO. 6375/S1/2000/LBR DT. 21/3/2001 BY THE R1.

EXT.P4. COPY OF THE GO RT NO. 2263/2004/LBR DT. 24/08/2004 BY THE R1.

EXT.P5. COPY OF THE GO RT NO. 2195/2004/LBR DT. 18/8/04 BY THE R1.

RESPONDENT'S EXHIBITS **NIL**

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 30913 OF 2004

Dated this the 5th day of July, 2007.

J U D G M E N T

Petitioner is aggrieved by Exhibit P4 order passed by the Appellate Authority under the provisions of the Kerala Motor Transport Workers Welfare Fund Act.

2. According to the petitioner, he was not operating the vehicle during the period under dispute. There is also a contention that the workers in respect of whom the assessment is made were not the workers during the said period. Still further it is contended that in respect of subsequent period, the Government itself has passed orders accepting the contentions of the petitioner and that order is produced as Exhibit P5. There is no counter affidavit by Government.

I quash Exhibit P5. There will be a direction to the first respondent to consider the matter afresh with notice to the petitioner and pass appropriate orders in accordance with law, within a period of four months from the date of production of a copy of this judgment. There shall be no recovery till such time.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp